

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FARUQ WASHINGTON,

Plaintiff,

v.

ROSCOE BROWN, et al.,

Defendants.

CIVIL ACTION
NO. 16-02955

ORDER

AND NOW, this 5th day of May, 2017, upon consideration of Defendants' motions to dismiss, (ECF Nos. 13 & 14), Plaintiff's response, (ECF No. 17), SEPTA and Browne's reply, (ECF No. 19), and Plaintiff's sur-reply, (ECF No. 22), it is hereby **ORDERED** that:

1. The City's motion, (ECF No. 13), is **GRANTED**;
2. SEPTA's motion, (ECF No. 14), is **GRANTED** with respect to Washington's claims against SEPTA and **DENIED** with respect to Washington's malicious prosecution claim against Browne;
3. Washington's claims against the City and SEPTA are **DISMISSED**.⁶

⁶ In his Complaint, Washington brought claims for, *inter alia*, malicious prosecution (Count I), false arrest (Count II) and excessive force (Count III) against various Defendants, including the City and SEPTA. (ECF No. 3, at 10–15.) The City and SEPTA both filed motions to dismiss, contending that these claims could only be brought against them pursuant to *Monell* and Washington had failed to meet the *Monell* pleading requirements. (ECF Nos. 13 & 14.) Though Washington did not respond to the City's motion, in his response to SEPTA's motion, he stated that he will not pursue any *Monell* claims at this time. (ECF No. 17, at 18.) Counts I, II and III are therefore dismissed with respect to the City and SEPTA but remain in the case as pleaded against the remaining, currently unnamed, Defendants. Washington will be permitted to maintain his claims against the unnamed Defendants unless reasonable discovery fails to reveal their identities. *See Blakeslee v. Clinton Cty.*, 336 F. App'x 248, 250 (3d Cir. 2009).

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.